HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT APPEAL NO.861 OF 2006

Between:

Mahavir Singh
. . .Appellant

AND

The Joint Collector, Ranga Reddy
District and others
. . .Respondents

Counsel for the Appellant :Shri Meharchand Noori

Counsel for the Respondents : Government Pleader for Revenue

Dated: 28th August, 2006

: JUDGMENT :

PER G.S.SINGHVI, CJ

This appeal is directed against order dated 05.06.2006 passed by the learned Single Judge whereby he dismissed the writ petition filed by the appellant only on the ground that the counsel for the petitioner did not take steps to amend the petition.

Shri Meharchand Noori appearing for Shri S. Ashok Anand, advocate for the appellant says that the steps for correcting typographical error in the prayer portion of the affidavit of the main petition had already been taken, but the amendment petition could not be filed because the appellant was afflicted with Chikun Gunya. Learned counsel submitted that the appellant suffered from Chikun Gunya for a long period between 30.05.2006 and 12.06.2006 and he should not have been penalized by way of dismissal of the writ petition.

In our opinion, the cause evinced from paragraphs 1 and 2 of the memo of appeal calls for a lenient view being taken by the Court. Hence, we allow the appeal and restore the writ petition to the record of the learned Single Judge with liberty to the appellant to file appropriate application for amendment within a period of ten days from today. If the application is filed, then the same shall be considered by the learned Single Judge on merits and decided in accordance with law.

As a sequel to disposal of the main appeal, W.P.M.P.No.1769 of 2006 filed by the appellant for interim relief is also disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 28.08.2006

kvni/ksld